IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 12496 of 2002

Between:
Pollapu Gangamma
W/o.Venkatesu,
R/o.Angaipally, Hamlet & Mandal Valluru
Cuddapah District

.... PETITIONER

AND

Mandal Revenue Officer
Valluru Mandal, at Valluru
Cuddapah District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably a writ in the nature of Mandamus declaring the action of the respondent in interfering with the peaceful possession and enjoyment of the property viz. land to an extent of 5 acres situated in Sy.No.9/1 of Valluru Village & Mandal, Cuddapah District by the petitioner, and seeking to assign the said property in favour of the third parties as being illegal, arbitrary and without jurisdiction and consequently direct the respondent not interfere with the peaceful possession and enjoyment by the petitioner in respect of the property viz., land to an extent of 5 acres situated in Sy.No.9/1 of Valluru Village & Mandal, Cuddapah District.

Counsel for the Petitioner:MR.N.SRIDHAR REDDY

Counsel for the Respondent : GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12496 OF 2002

ORDER:

Though interlocutory applications are listed, the Writ petition itself was heard finally with the consent of the learned counsel for the petitioner, and the learned Assistant Government Pleader for Revenue (Assignment).

The petitioner herein was assigned an extent of Acs.5.00 in S.No.9/1 of Valluru Village on 19.5.1985. It is the case of the petitioner that she has been cultivating the land since then. However, the respondent herein is trying to interfere with peaceful possession and enjoyment for extraneous considerations. A Writ of Mandamus is sought declaring the action of the respondent in interfering with peaceful possession as illegal and without jurisdiction.

In the counter affidavit filed by the respondent it is admitted that the land was assigned to petitioner in 1985. But, it is stated that the land in S.No.9 was neither sub-divided nor demarcated and when petitioner produced orders of this Court dt.12.7.2002 in W.P.M.P.No.15524 of 2002 in Writ Petition No.12496 of 2002, the Mandal Revenue Officer conducted enquiry and submitted a report to the Revenue Divisional officer. It is also stated that same land was assigned in 1950 to one Boraboyina Nagadu and that the assignment was made to petitioner in 1985, under mistake of fact. The allegation that the Mandal Revenue Officer interfered with possession is denied.

In view of the categorical denial by the respondent that respondent has not interfered with possession, this Court is not inclined to express any opinion. However, the Revenue Divisional Officer, to whom a report was submitted by the Mandal Revenue Officer, may conduct further enquiry, if necessary, and pass appropriate orders. Till the petitioner's patta is cancelled in accordance with law, she shall be continued in the land.

With the above observations and directions, the Writ Petition is disposed of.

24.8.2004 (V.V.S.RAO, J)

bnr

To
1. The Mandal Revenue Officer
   Valluru Mandal, at Valluru
   Cuddapah District.
2. 2 CCs to G.P. for Revenue, High Court Bldgs., Hyderabad. (OUT)
3. 2 CD copies.